LEGISLATIVE HISTORY

Public Law 575--79th Congress

Chapter 712--2d Session

H. R. 6532

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DIGEST OF PUBLIC LAW 575

PAYMENTS OF CLAIMS FOR OVERTIME, LEAVE, AND HOLIDAY COMPENSATION. Permits department heads to designate disbursing officers to pay claims directly to Government employees and former employees for the difference between amounts of overtime, leave, and holiday compensation computed at day rates and that computed at night rates pursuant to GAO decisions.

INDEX AND SUMMARY OF HISTORY ON H. R. 6532

May 23, 1946	H. R. 6532 introduced by Rep. ChGehee and was referred to the House Committee on Claims. Print of the bill as introduced.
May 24, 1946	S. 2250 introduced by Senator Ellender and was referred to the Senate Committee on Expenditures in the Executive Departments. Print of the bill as introduced. (Similar bill).
May 29, 1946	House Committee on Claims reported H. R. 6532 with amendment. House Report 2169. Print of the bill as reported.
June 17, 1946	H. R. 6532 debated in the House and passed as reported.
June 18, 1946	H. R. 6532 was referred to the Senate Committee on Claims. Print of the bill as referred.
June 21, 1946	The Committee on Claims was discharged, and H. R. 6532 was referred to the Senate Committee on Expenditures in the Executive Departments. Print of the bill as referred.
July 2, 1946	Senate Committee reported H. R. 6532 with amendments. Senate Report 1645. Print of the bill as reported.
July 17, 1946	Debated in the Senate and passed as reported.
July 19, 1946	House concurred in Senate amendments.
July 31, 1946	Approved. Public Law 575.

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79TH CONGRESS
2D SESSION

H. R. 6532

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 1946

Mr. McGEHEE introduced the following bill; which was referred to the Committee on Claims

A BILL

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all claims by employees or former employees of the
4 United States for overtime, leave, and holiday compensation
5 based upon the difference between amounts heretofore re-
6 ceived by such employees for overtime, leave, and holiday
7 compensation computed at day rates and such compensation
8 computed at night rates pursuant to decisions of the Comp-
9 troller General of the United States (23 Comp. Gen. 962;

1 24 Comp. Gen. 39, 155, 189, 550, 867), shall be paid by
2 the appropriate disbursing officers for the department or
3 agency under which such compensation was earned: *Pro-*
4 *vided,* That claims for amounts due deceased persons or
5 persons determined to be mentally incompetent shall be
6 settled in the General Accounting Office.

7 SEC. 2. The heads of the departments and agencies
8 concerned, or such subordinates as they may designate, are
9 hereby authorized and directed to certify to the proper dis-
10 bursing officer or to the General Accounting Office, as may
11 be appropriate, the amount found to be due under any claim
12 authorized to be paid by section 1 of this Act. Payments
13 made pursuant to certifications hereby authorized shall, in
14 the absence of fraud, be final and conclusive.

15 SEC. 3. (a) No amount shall be certified for payment
16 under section 2 of this Act on account of any compensation
17 earned prior to March 28, 1934, and this Act shall not apply
18 with respect to any claim for compensation earned subsequent
19 to the date of approval thereof.

20 (b) No amount shall be certified for payment under
21 section 2 of this Act unless application shall have been sub-
22 mitted in writing, prior to the expiration of two years after
23 the date of approval of this Act, over the signature of the
24 person performing the service: *Provided,* That claims of
25 deceased persons or persons determined to be mentally

1 incompetent may be submitted by their heirs or personal
2 representatives.

3 (c) Except as otherwise provided in this section, no
4 claim submitted in accordance with the terms of this Act for
5 compensation earned between the dates specified in sub-
6 section (a) of this section shall be barred by any statute of
7 limitations.

8 SEC. 4. Any amount certified for payment under section
9 2 of this Act shall be paid without deduction for retirement
10 or withholding of any amount for taxes.

11 SEC. 5. There are hereby authorized to be appropriated
12 such sums as may be necessary for payment of amounts cer-
13 tified under this Act.

14 SEC. 6. The heads of the departments and agencies con-
15 cerned, including the Comptroller General of the United
16 States, are hereby authorized to prescribe such regulations as
17 may be necessary to carry out the purposes of this Act in
18 their respective agencies.

79TH CONGRESS
2D SESSION

H. R. 6532

A BILL

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

By Mr. McGEHEE

MAY 23, 1946

Referred to the Committee on Claims

May 24

79TH CONGRESS
2D SESSION

S. 2250

IN THE SENATE OF THE UNITED STATES

MAY 24 (legislative day, MARCH 5), 1946

Mr. ELLENDER (by request) introduced the following bill; which was read twice and referred to the Committee on Expenditures in the Executive Departments

A BILL

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all claims by employees or former employees of the
4 United States for overtime, leave, and holiday compensation
5 based upon the difference between amounts heretofore
6 received by such employees for overtime, leave, and holi-
7 day compensation computed at day rates and such compen-
8 sation computed at night rates pursuant to decisions of the
9 Comptroller General of the United States (23 Comp. Gen.

1 962; 24 Comp. Gen. 39, 155, 189, 550, 867), shall be
2 paid by the appropriate disbursing officers for the depart-
3 ment or agency under which such compensation was earned:
4 *Provided,* That claims for amounts due deceased persons
5 or persons determined to be mentally incompetent shall be
6 settled in the General Accounting Office.

7 SEC. 2. The heads of the departments and agencies
8 concerned, or such subordinates as they may designate, are
9 hereby authorized and directed to certify to the proper dis-
10 bursing officer or to the General Accounting Office, as may
11 be appropriate, the amount found to be due under any
12 claim authorized to be paid by section 1 of this Act. Pay-
13 ments made pursuant to certifications hereby authorized
14 shall, in the absence of fraud, be final and conclusive.

15 SEC. 3. (a) No amount shall be certified for payment
16 under section 2 of this Act on account of any compensation
17 earned prior to March 28, 1934, and this Act shall not
18 apply with respect to any claim for compensation earned
19 subsequent to the date of approval thereof.

20 (b) No amount shall be certified for payment under
21 section 2 of this Act unless application shall have been sub-
22 mitted in writing, prior to the expiration of two years after
23 the date of approval of this Act, over the signature of the
24 person performing the service: *Provided,* That claims of

1 deceased persons or persons determined to be mentally in-
2 competent may be submitted by their heirs or personal
3 representatives.

4 (c) Except as otherwise provided in this section, no
5 claim submitted in accordance with the terms of this Act
6 for compensation earned between the dates specified in sub-
7 section (a) of this section shall be barred by any statute
8 of limitations.

9 SEC. 4. Any amount certified for payment under section
10 2 of this Act shall be paid without deduction for retirement
11 or withholding of any amount for taxes.

12 SEC. 5. There are hereby authorized to be appropriated
13 such sums as may be necessary for payment of amounts
14 certified under this Act.

15 SEC. 6. The heads of the departments and agencies
16 concerned, including the Comptroller General of the United
17 States, are hereby authorized to prescribe such regulations
18 as may be necessary to carry out the purposes of this Act
19 in their respective agencies.

20 SEC. 7. No part of any moneys appropriated for pay-
21 ment of amounts certified under this Act shall be paid or
22 delivered to or received by any agent or attorney on account
23 of services rendered in connection with claims so appropri-
24 ated for and the same shall be unlawful, any contract to

1 the contrary notwithstanding. Any person violating the
2 provisions of this Act shall be deemed guilty of a misde-
3 meanor and upon conviction thereof shall be fined in any
4 sum not exceeding $1,000.

79TH CONGRESS
2D SESSION

S. 2250

A BILL

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

By Mr. ELLENDER

MAY 24 (legislative day, MARCH 5), 1946
Read twice and referred to the Committee on Expenditures in the Executive Departments

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79th Congress } HOUSE OF REPRESENTATIVES { Report
2d Session } { No. 2169

PROVIDING A METHOD OF PAYMENT IN CERTAIN GOVERNMENT ESTABLISHMENTS OF OVERTIME, LEAVE, AND HOLIDAY COMPENSATION ON THE BASIS OF NIGHT RATES PURSUANT TO CERTAIN DECISIONS OF THE COMPTROLLER GENERAL, AND FOR OTHER PURPOSES

May 29, 1946.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. Pittenger, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 6532]

The Committee on Claims, to whom was referred the bill (H. R. 6532) to provide a method for payments in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes, having considered the same, report favorably thereon with amendment and recommend that the bill do pass.

: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

This proposed legislation was submitted to the Speaker of the House of Representatives by the Comptroller General of the United States and was referred to this committee for consideration. In view of the fact that the Comptroller General has requested that this bill be expedited, your committee recommends favorable consideration to the bill.

Appended hereto is a letter from the Comptroller General to the Speaker of the House of Representatives.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington 25, May 22, 1946.

The honorable the SPEAKER OF THE HOUSE OF REPRESENTATIVES.

MY DEAR MR. SPEAKER: There is transmitted herewith a draft of a bill to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

The purpose of the proposed bill is to permit disbursing officers in the various departments to make payment directly to certain employees and former employees of the United States for the difference between amounts heretofore received by such employees for overtime, leave, and holiday compensation computed at day rates and overtime, leave, and holiday compensation computed at night rates.

The claims referred to in the proposed bill involve certain employees and former employees in the several trades and occupations whose compensation is fixed by wage boards or other wage-fixing authorities and who receive a differential, or extra compensation, for work performed at night or on shifts requiring night duty. Under section 23 of the act of March 28, 1934 (48 Stat. 522), such employees are entitled to a minimum of time and one-half for all work in excess of 40 hours per week. The first of these claims arose in the case of an employee of the Government Printing Office who requested that he be paid overtime rates on his compensation, including the night differential, for periods during which he was employed on a night shift. In my decision of June 17, 1944 (B–41933, 23 Comp. Gen. 962), it was held that the employee was entitled to overtime compensation based upon the rate received (including the night differential) during his regular tour of duty. This conclusion, although clearly required by the act of March 28, 1934, supra, was contrary to the prior practice in the Government Printing Office and gave rise to numerous claims by other employees and former employees of that Office whose overtime compensation theretofore had been computed on the basis of day rates, even though they had received a night differential for work performed on their regular tour of duty.

Subsequently, it developed that other departments and agencies of the Government had been following the same practice as the Government Printing Office and in later decisions it was held that the rule stated in the case of the Government Printing Office was applicable also to the War Department (24 Comp. Gen. 39), the Navy Department (24 Comp. Gen. 155), the Treasury Department (Bureau of Engraving and Printing and Bureau of the Mint) (24 Comp. Gen. 189), and the Panama Canal (24 Comp. Gen. 550). As a corollary to the decision regarding overtime compensation, it was held that compensation for leave for persons entitled to a night differential on a regular tour of duty should also be computed on the basis of inclusion of the night differential (24 Comp. Gen. 39, 44), and the same rule applies to compensation for holidays. Payments of overtime, leave, and holiday compensation now are being made by the agencies concerned upon the basis of the rules stated in the cited decisions, but it is estimated that there are approximately a million and a half employees and former employees who are eligible to receive additional compensation on the basis of those decisions and that approximately a million of the eligibles actually will file claims therefor.

The decision of June 17, 1944, cited above, was an original construction of the act of March 28, 1934, and was effective on and after the date of that statute and affected all individual accounts not previously adjusted on the basis of the rule stated therein. In the great majority of cases the claims involved are chargeable to appropriations which are no longer available for use by disbursing officers. The cost of settlement of these claims in the General Accounting Office, in addition to the cost which will be incurred in the administrative offices in the examination of such claims, will be approximately $4,000,000. The proposed bill would permit direct payments by disbursing officers and thus would eliminate this additional cost. In view of the fact that the average amount allowable under these claims is estimated to be $20, section 2 of the proposed bill would permit the departments and agencies concerned to certify to the proper disbursing officers the amount found due each claimant and would provide that payments made pursuant to such certifications should be final and conclusive.

Section 3 of the proposed bill would limit payments thereunder to claims based on compensation earned between March 28, 1934, and the date of approval of the proposed legislation. However, said section would remove the bar of the 10-year statute of limitations upon claims cognizable by the General Accounting Office (act of Oct. 9, 1940, 54 Stat. 1061), thus permitting payment of amounts due in connection with compensation earned since March 28, 1934, even though earned

prior to the 10-year period preceding the filing of claim. Under the 1940 statute, payments on these claims are limited to compensation earned during the 10-year period immediately preceding the filing of claim. Since the failure to file claim resulted from a practice followed by the agencies concerned rather than from any lack of diligence on the part of the employees or former employees, it is considered equitable to provide for payment of the claims for the entire period, starting with March 28, 1934, during which such personnel were receiving a night differential for work performed during their regular tour of duty.

In view of the small amount involved in most of the claims referred to, section 4 of the proposed bill would provide that amounts certified for payment under the bill should be paid without retirement deductions and without withholding of any amount for taxes. It is believed that the amount of retirement deductions would be so small and that the amount of taxes withheld would be so negligible in any one case that the time and expense required to determine and process these items would not be justified.

Section 5 of the proposed bill would authorize the appropriation of such sums as might be necessary for payment of amounts certified to be due thereunder. In most instances, determination of amounts chargeable to each of several appropriations would be involved in the payment of a particular claim and it is believed that the establishment of a single appropriation to cover the payment of all such claims would result in a considerable saving of administrative expenses and in the more expeditious handling of the payments.

By far the greater amount of the work required in the settlement of the claims in question will be entailed in the administrative examination of the records in order to determine the amount due each employee. The slight additional cost which would be incurred by the administrative offices in actually making payment of the amounts found due would be more than offset by the savings which would result from the provisions of sections 4 and 5 of the proposed bill making it unnecessary to determine and process retirement deductions and withholding taxes, and removing the necessity for determining the particular appropriations to which the payments otherwise would be chargeable.

The matter has been discussed informally with representatives of the Bureau of the Budget, who have expressed approval of the purposes of the proposed bill. The matter has been discussed informally, also, with representatives of the administrative agencies which are principally concerned; namely, the War Department, the Navy Department, and the Government Printing Office. Representatives of the War Department and the Government Printing Office have approved the proposed bill. Representatives of the Navy Department have expressed sympathy with the purposes of the bill and have indicated that the Navy Department will offer no objection thereto, provided an opportunity is afforded the Navy Department to submit for consideration information with respect to additional personnel and funds which the Department estimates will be required to permit it to conduct the necessary administrative examination of the claims in order that its disbursing officers may make prompt payment thereon if the proposed bill should be enacted.

It is desired to emphasize that the items referred to would be handled under normal administrative procedures, with payments being made by disbursing officers on current pay rolls, except for the fact that such items are chargeable to lapsed appropriations. Consequently, the proposed bill would not, in my opinion, establish a precedent which would jeopardize the safeguards now established by law requiring the settlement of claims in the General Accounting Office. It will be noted that the proposed bill would require that claims for amounts due persons who are deceased or determined to be mentally incompetent be settled in the General Accounting Office, in order that the interest of the Government may be fully protected in connection with payments to heirs or personal representatives of such persons.

In view of the fact that the proposed bill reasonably may be expected to result in an over-all saving to the Government of at least $4,000,000, and since it would materially expedite the settlement of claims for amounts which are justly due these employees and former employees, it is most earnestly recommended that the proposed bill be given favorable consideration.

A duplicate of this recommendation is being transmitted to the President pro tempore of the Senate.

Respectfully,

LINDSAY C. WARREN,
Comptroller General of the United States.

O

Union Calendar No. 642

79TH CONGRESS
2D SESSION

H. R. 6532

[Report No. 2169]

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 1946

Mr. MCGEHEE introduced the following bill; which was referred to the Committee on Claims

MAY 29, 1946

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Insert the part printed in italic]

A BILL

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all claims by employees or former employees of the
4 United States for overtime, leave, and holiday compensation
5 based upon the difference between amounts heretofore re-
6 ceived by such employees for overtime, leave, and holiday
7 compensation computed at day rates and such compensation
8 computed at night rates pursuant to decisions of the Comp-

1 troller General of the United States (23 Comp. Gen. 962;
2 24 Comp. Gen. 39, 155, 189, 550, 867), shall be paid by
3 the appropriate disbursing officers for the department or
4 agency under which such compensation was earned: *Pro-*
5 *vided,* That claims for amounts due deceased persons or
6 persons determined to be mentally incompetent shall be
7 settled in the General Accounting Office.

8 SEC. 2. The heads of the departments and agencies
9 concerned, or such subordinates as they may designate, are
10 hereby authorized and directed to certify to the proper dis-
11 bursing officer or to the General Accounting Office, as may
12 be appropriate, the amount found to be due under any claim
13 authorized to be paid by section 1 of this Act. Payments
14 made pursuant to certifications hereby authorized shall, in
15 the absence of fraud, be final and conclusive.

16 SEC. 3. (a) No amount shall be certified for payment
17 under section 2 of this Act on account of any compensation
18 earned prior to March 28, 1934, and this Act shall not apply
19 with respect to any claim for compensation earned subsequent
20 to the date of approval thereof.

21 (b) No amount shall be certified for payment under
22 section 2 of this Act unless application shall have been sub-
23 mitted in writing, prior to the expiration of two years after
24 the date of approval of this Act, over the signature of the

1 person performing the service: *Provided,* That claims of
2 deceased persons or persons determined to be mentally
3 incompetent may be submitted by their heirs or personal
4 representatives.

5 (c) Except as otherwise provided in this section, no
6 claim submitted in accordance with the terms of this Act for
7 compensation earned between the dates specified in sub-
8 section (a) of this section shall be barred by any statute of
9 limitations.

10 SEC. 4. Any amount certified for payment under section
11 2 of this Act shall be paid without deduction for retirement
12 or withholding of any amount for taxes.

13 SEC. 5. There are hereby authorized to be appropriated
14 such sums as may be necessary for payment of amounts cer-
15 tified under this Act.

16 SEC. 6. The heads of the departments and agencies con-
17 cerned, including the Comptroller General of the United
18 States, are hereby authorized to prescribe such regulations as
19 may be necessary to carry out the purposes of this Act in
20 their respective agencies: *Provided, That no part of the*
21 *amount appropriated in this Act in excess of 10 per centum*
22 *thereof shall be paid or delivered to or received by any agent*
23 *or attorney on account of services rendered in connection*
24 *with this claim, and the same shall be unlawful, any con-*

1 *tract to the contrary notwithstanding. Any person violating*
2 *the provisions of this Act shall be deemed guilty of a mis-*
3 *demeanor and upon conviction thereof shall be fined in any*
4 *sum not exceeding $1,000.*

Union Calendar No. 642

79TH CONGRESS
2D SESSION

H. R. 6532

[Report No. 2169]

A BILL

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

By Mr. McGEHEE

MAY 23, 1946

Referred to the Committee on Claims

MAY 29, 1946

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

June 17

SEC. 2. The provisions of section 1 of this act shall be applicable to section 1 of the act of December 28, 1945 (Public Law 277, 79th Cong.).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

METHOD OF PAYMENT OF OVERTIME, LEAVE, AND HOLIDAY COMPENSATION IN CERTAIN DEPARTMENTS

The Clerk called the bill (H. R. 6532) to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That all claims by employees or former employees of the United States for overtime, leave, and holiday compensation based upon the difference between amounts heretofore received by such employees for overtime, leave, and holiday compensation computed at day rates and such compensation computed at night rates pursuant to decisions of the Comptroller General of the United States (23 Comp. Gen. 962; 24 Comp. Gen. 39, 155, 189, 550, 867), shall be paid by the appropriate disbursing officers for the department or agency under which such compensation was earned: *Provided*, That clams for amounts due deceased persons or persons determined to be mentally incompetent shall be settled in the General Accounting Office.

SEC. 2. The heads of the departments and agencies concerned, or such subordinates as they may designate, are hereby authorized and directed to certify to the proper disbursing officer or to the General Accounting Office, as may be appropriate, the amount found to be due under any claim authorized to be paid by section 1 of this act. Payments made pursuant to certifications hereby authorized shall, in the absence of fraud, be final and conclusive.

SEC. 3. (a) No amount shall be certified for payment under section 2 of this act on account of any compensation earned prior to March 28, 1934, and this act shall not apply with respect to any claim for compensation earned subsequent to the date of approval thereof.

(b) No amount shall be certified for payment under section 2 of this act unless application shall have been submitted in writing, prior to the expiration of 2 years after the date of approval of this act, over the signature of the person performing the service: *Provided*, That claims of deceased persons or persons determined to be mentally incompetent may be submitted by their heirs or personal representatives.

(c) Except as otherwise provided in this section, no claim submitted in accordance with the terms of this act for compensation earned between the dates specified in subsection (a) of this section shall be barred by any statute of limitations.

SEC. 4. Any amount certified for payment under section 2 of this act shall be paid without deduction for retirement or withholding of any amount for taxes.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary for payment of amounts certified under this act.

SEC. 6. The heads of the departments and agencies concerned, including the Comptroller General of the United States, are hereby authorized to prescribe such regulations as may be necessary to carry out the purposes of this act in their respective agencies.

With the following committee amendment:

: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

INSTRUCTION AT UNITED STATES MILITARY ACADEMY OF 20 PERSONS FROM THE AMERICAN REPUBLICS

The Clerk called the bill (S. 1288) to authorize the course of instruction at the United States Military Academy to be given to not exceeding 20 persons at a time from the American Republics, other than the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to permit, upon designation of the President of the United States, not exceeding 20 persons at a time from the American Republics (other than the United States) to receive instruction at the United States Military Academy at West Point, N. Y. Not more than three persons from any one of such republics shall receive instruction under authority of this act at the same time. The persons receiving instruction under authority of this act shall receive the same pay, allowances, and emoluments, to be paid from the same appropriations, as cadets at the United States Military Academy appointed from the United States, except that the mileage allowance payable to such persons for travel performed in proceeding to the United States Military Academy for initial admission shall not be limited to mileage for travel within the continental limits of the United States. Such persons shall, except as may be determined by the Secretary of War, be subject to the same rules and regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation, as cadets at the United States Military Academy shall not be entitled to appointment to any appointed from the United States, but they shall not be entitled to appointment to any office or position in the United States Army by reason of their graduation from the United States Military Academy: *Provided*, That any persons permitted to receive instruction at the United States Military Academy under authority of this act shall not be subject to the provisions of sections 1320 and 1321 of the Revised Statutes.

SEC. 2. After the date of enactment of this act, no person shall have authority to permit citizens of the American Republics to receive instruction at the United States Military Academy under the provisions of the act entitled "An act to authorize the President to permit citizens of the American Republics to receive instruction at professional educational institutions and schools maintained and administered by the Government of the United States or by departments or agencies thereof," approved June 24, 1938 (52 Stat. 1034). Any person who receiving instruction at the United States Military Academy on such date of enactment under authority of such act of June 24, 1938, may, in the discretion of the President, be permitted to continue to receive such instruction and, if so permitted, shall thereafter be deemed to be receiving instruction under the provisions of section 1 of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TO GOVERN THE DISTRIBUTION OF WAR TROPHIES

The Clerk called the bill (H. R. 5915) to govern the distribution of war trophies.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DECORATION FOR ACTS PERFORMED DURING THE PRESENT WAR

The Clerk called the bill (S. 1523) to modify the time limitations governing the award of certain military and naval decorations for acts performed during the present war.

There being no objection the Clerk read the bill as follows:

Be it enacted, etc., That the limitations prescribed by the act of July 9, 1918 (40 Stat. 845, 871), and the act of August 7, 1942 (56 Stat. 743, 744), with respect to the time within which the Medal of Honor, Distinguished Service Cross, Navy Cross, Distinguished Service Medal, Silver Star Medal, Navy and Marine Corps Medal, and devices in lieu thereof, may be issued and the time within which statements or reports suggesting or recommending such awards may be made shall not apply to any case in which (1) the act or service justifying the award was performed during the period commencing December 7, 1941, and ending with the date of the termination of hostilities in the present war and (2) the recommendation for official recognition of such act or service was initiated not later than 6 months after the latter date. The term "date of the termination of hostilities in the present war" means the date proclaimed by the President as the date of such termination or the date specified in a concurrent resolution of the two Houses of Congress as the date of such termination, which ever is earlier.

GLACIER NATIONAL PARK

The Clerk called the bill (S. 1273) to provide for the acquisition by exchange of non-Federal property within the Glacier National Park.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to accept title to any non-Federal lands, interests in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, as now or hereafter established, when the acquisition by exchange of such property would, in his judgment, be in the best interests of the United States. In exchange for the non-Federal property so to be acquired, the Secretary of the Interior is authorized to convey to the grantors of such property, or to their nominees, any federally owned lands, interests in lands, buildings, or other property, real or personal, within the authorized boundaries of the Glacier National Park, located in the State of Montana and administered by the National Park Service, which are of approxi-

mately equal value, as determined by the Secretary, to the property being acquired. In order to facilitate the making of such exchanges, the Secretary of the Interior may enter into agreements for the reservation in conveyances to the United States, or for the grant in conveyances from the United States, of such estates for years, life estates, or other interests as may be consistent, in his judgment, with the accomplishment of the purposes of this act, but all such limitations shall be considered in determining the equality of the interests to be exchanged.

SEC. 2. The title to all lands, interests in lands, buildings, or other property to be acquired pursuant to this act shall be satisfactory to the Secretary of the Interior. Any property acquired pursuant to this act shall, upon acceptance of title thereto, become a part of the Glacier National Park, and shall be subject to all laws applicable to such area. The Secretary of the Interior is authorized to issue such regulations as he deems necessary for carrying out the purposes of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AVAILABILITY OF CERTAIN DEPARTMENT OF THE INTERIOR APPROPRIATIONS

The Clerk called the bill (S. 1857) to authorize the availability for certain necessary administrative expenses of appropriations for the Department of the Interior.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That appropriations for field work of the Department of the Interior shall be available for the hire, with or without personal services, of boats, work animals, and animal-drawn and motor-propelled vehicles and equipment.

SEC. 2. Appropriations for contingent expenses of the Department of the Interior shall be available, to the extent specified therein, for the payment of damages to private property (not to exceed $500 in any one case) caused by the negligent operation of motor vehicles under such appropriations.

SEC. 3. The Secretary of the Interior, in carrying out the act of February 22, 1935, as amended (15 U. S. C., ch. 15A), is authorized to cooperate with Federal and State authorities.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING AN EXCHANGE OF LAND IN EAGLE COUNTY, COLO.

The Clerk called the bill (H. R. 5840) to authorize an exchange of land in Eagle County, Colo.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior, upon recommendation of the Secretary of Agriculture, is hereby authorized to accept on behalf of the United States title to the herein-after-described lands, to wit: Beginning at corner numbered 3 of tract 45, which is also corner numbered 4 of tract 46 D of section 5, township 5 south, range 84 west, sixth principal meridian; thence north eighty-seven degrees forty-one minutes east a distance of two and one one-hundredths chains; thence north one degree forty-eight minutes east a distance of four and sixty-one one-hundredths chains; thence east a distance of one and sixty-six one-hundredths chains; thence south one degree forty-eight minutes west a distance of twenty-four and thirty-six one-hundredths chains; thence south eighty-seven degrees fifty-one minutes west a distance of three and sixty-seven one-hundredths chains to corner numbered 7 of tract 47 and corner numbered 2 of tract 48, said section 5; thence north one degree forty-eight minutes east nineteen and seventy-five one-hundredths chains to point of beginning, situate in Eagle County, Colo., and containing approximately 8 acres, and to issue to the persons conveying said lands a patent to lands of the United States described as follows: Lots 19, 20, 21, 22, 23, and 24 of section 31, township 3 south, range 84 west, sixth principal meridian, being in Eagle County, Colo., and containing approximately one hundred and forty-four and forty-two one-hundredths acres.

SEC. 2. That title may be accepted or patent issued subject to reservations or exceptions of minerals, timber, or easements and that the survey of the tract to be conveyed to the United States shall be by and at the expense of the United States.

SEC. 3. That upon acceptance of title thereto the lands conveyed to the United States shall be used and administered by the Secretary of Agriculture in connection with the protection and management of the White River National Forest and shall be subject to the rules and regulations applicable to said national forest.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING FURTHER THE CIVIL SERVICE RETIREMENT ACT

The Clerk called the bill (H. R. 3492) to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 17 of the Civil Service Retirement Act, approved May 29, 1930, as amended, is further amended by changing the final period to a semicolon and adding thereto the following: "nor shall there be any withholding or recovery of any moneys mentioned in this act on account of any certification or payment made by any former officer or employee of the United States in the discharge of his official duties unless the head of the department or agency on behalf of which the certification or payment was made certifies to the Civil Service Commission that such certification or payment involved a fraud on the part of such officer or employee."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING SECTION 6 OF CIVIL SERVICE RETIREMENT ACT OF MAY 29, 1930, AS AMENDED

The Clerk called the bill (H. R. 4651) to amend section 6 of the Civil Service Retirement Act of May 29, 1930, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the third paragraph of section 6 of the Civil Service Retirement Act of May 29, 1930, as amended, is amended to read as follows:

"If a recovered disability annuitant whose annuity is discontinued subsequent to June 30, 1945, shall fail to obtain reemployment through no fault of his own in any position included in the provisions of this act, he shall be considered as having been involuntarily separated from the service within the meaning of section 7 of this act as of the date he was retired for disability and shall, after the discontinuance of the disability annuity, be entitled to an annuity in accordance with the provisions of such section, computed at the attained age at the date of discontinuance of the disability annuity."

With the following committee amendments:

Page 1, line 7, after the word "shall" insert "after due diligence on his part."

Page 1, lines 8 and 9, strike out the words "through no fault of his own."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SETTING ASIDE CERTAIN LANDS FOR THE KIOWA, COMANCHE, AND APACHE INDIAN RESERVATION, OKLA.

The Clerk called the bill (S. 1043) to set aside certain lands in Oklahoma in trust for the Indians of the Kiowa, Comanche, and Apache Indian Reservation.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the following-described lands are hereby eliminated from the Rainy Mountain School Reserve in Oklahoma and title is hereby vested in the United States in trust for the Indians of the Kiowa, Comanche, and Apache Indian Reservation: South half and northwest quarters of section 13; all of section 14; south half and northeast quarter of section 23; and west half of section 24; township 6 north, range 16 west, of the Indian meridian, Oklahoma, containing 1,920 acres.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADJUSTMENTS—INDIAN IRRIGATION PROJECT, MONTANA

The Clerk called the bill (H. R. 4983) to provide for adjustments in connection with the Crow irrigation project, Crow Indian Reservation, Mont.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That (1) notwithstanding any other provisions of law, the aggregate charge for all expenditures which have been made for construction of the Crow irrigation project, Crow Indian Reservation, Mont., exclusive of the Willow Creek storage works, against all non-Indian-owned lands under the Crow irrigation project is hereby fixed at $45,000, which charge shall be the sole charge against these lands. The charge thus fixed shall cover all such expenditures, whatever their source, chargeable against such lands and includes expenditures from reimbursable and gratuity appropriations from the Treasury of the United States, and from moneys of the Crow Tribe whether or not the expenditures of such tribal moneys were specifically approved by the Indians in council.

(2) All non-Indian-owned lands under this project shall bear their pro rata share, computed on a per-acre basis, of the total charge fixed by this section, except that against the pro rata share chargeable to any particular tract there first shall be credited payments which have been already made on that tract to meet charges for reimbursable expenditures arising from the construction of such irrigation project. No credit in excess of such pro rata share, computed on a per-acre basis, shall be allowed. No refunds shall be made of amounts paid on any tract in excess of such pro rata share, computed on a per-acre basis. The first lien of the United

Grade 12

79TH CONGRESS
2D SESSION

H. R. 6532

IN THE SENATE OF THE UNITED STATES

JUNE 18 (legislative day, MARCH 5), 1946

Read twice and referred to the Committee on Claims

AN ACT

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all claims by employees or former employees of the
4 United States for overtime, leave, and holiday compensation
5 based upon the difference between amounts heretofore re-
6 ceived by such employees for overtime, leave, and holiday
7 compensation computed at day rates and such compensation
8 computed at night rates pursuant to decisions of the Comp-
9 troller General of the United States (23 Comp. Gen. 962

1 24 Comp. Gen. 39, 155, 189, 550, 867), shall be paid by
2 the appropriate disbursing officers for the department or
3 agency under which such compensation was earned: *Pro-*
4 *vided,* That claims for amounts due deceased persons or
5 persons determined to be mentally incompetent shall be
6 settled in the General Accounting Office.

7 SEC. 2. The heads of the departments and agencies
8 concerned, or such subordinates as they may designate, are
9 hereby authorized and directed to certify to the proper dis-
10 bursing officer or to the General Accounting Office, as may
11 be appropriate, the amount found to be due under any claim
12 authorized to be paid by section 1 of this Act. Payments
13 made pursuant to certifications hereby authorized shall, in
14 the absence of fraud, be final and conclusive.

15 SEC. 3. (a) No amount shall be certified for payment
16 under section 2 of this Act on account of any compensation
17 earned prior to March 28, 1943, and this Act shall not apply
18 with respect to any claim for compensation earned subsequent
19 to the date of approval thereof.

20 (b) No amount shall be certified for payment under
21 section 2 of this Act unless application shall have been sub-
22 mitted in writing, prior to the expiration of two years after
23 the date of approval of this Act, over the signature of the
24 person performing the service: *Provided,* That claims of
25 deceased persons or persons determined to be mentally

1 incompetent may be submitted by their heirs or personal
2 representatives.

3 (c) Except as otherwise provided in this section, no
4 claim submitted in accordance with the terms of this Act for
5 compensation earned between the dates specified in sub-
6 section (a) of this section shall be barred by any statute of
7 limitations.

8 SEC. 4. Any amount certified for payment under section
9 2 of this Act shall be paid without deduction for retirement
10 or withholding of any amount for taxes.

11 SEC. 5. There are hereby authorized to be appropriated
12 such sums as may be necessary for payment of amounts cer-
13 tified under this Act.

14 SEC. 6. The heads of the departments and agencies con-
15 cerned, including the Comptroller General of the United
16 States, are hereby authorized to prescribe such regulations as
17 may be necessary to carry out the purposes of this Act in
18 their respective agencies: *Provided,* That no part of the
19 amount appropriated in this Act in excess of 10 per centum
20 thereof shall be paid or delivered to or received by any agent
21 or attorney on account of services rendered in connection
22 with this claim, and the same shall be unlawful, any con-
23 tract to the contrary notwithstanding. Any person violating
24 the provisions of this Act shall be deemed guilty of a mis-

1 demeanor and upon conviction thereof shall be fined in any
2 sum not exceeding $1,000.

Passed the House of Representatives June 17, 1946.

Attest: SOUTH TRIMBLE,
Clerk.

By H. NEWLIN MEGILL.

79TH CONGRESS
2D SESSION

H. R. 6532

AN ACT

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

JUNE 18 (legislative day, MARCH 5), 1946

Read twice and referred to the Committee on Claims

79TH CONGRESS
2D SESSION

H. R. 6532

IN THE SENATE OF THE UNITED STATES

JUNE 18 (legislative day, MARCH 5), 1946
Read twice and referred to the Committee on Claims

JUNE 21 (legislative day, MARCH 5), 1946
The Committee on Claims discharged, and referred to the Committee on Expenditures in the Executive Departments

AN ACT

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That all claims by employees or former employees of the
4 United States for overtime, leave, and holiday compensation
5 based upon the difference between amounts heretofore re-
6 ceived by such employees for overtime, leave, and holiday
7 compensation computed at day rates and such compensation
8 computed at night rates pursuant to decisions of the Comp-
9 troller General of the United States (23 Comp. Gen. 962;

1 24 Comp. Gen. 39, 155, 189, 550, 867), shall be paid by
2 the appropriate disbursing officers for the department or
3 agency under which such compensation was earned: *Pro-*
4 *vided,* That claims for amounts due deceased persons or
5 persons determined to be mentally incompetent shall be
6 settled in the General Accounting Office.

7 SEC. 2. The heads of the departments and agencies
8 concerned, or such subordinates as they may designate, are
9 hereby authorized and directed to certify to the proper dis-
10 bursing officer or to the General Accounting Office, as may
11 be appropriate, the amount found to be due under any claim
12 authorized to be paid by section 1 of this Act. Payments
13 made pursuant to certifications hereby authorized shall, in
14 the absence of fraud, be final and conclusive.

15 SEC. 3. (a) No amount shall be certified for payment
16 under section 2 of this Act on account of any compensation
17 earned prior to March 28, 1943, and this Act shall not apply
18 with respect to any claim for compensation earned subse-
19 quent to the date of approval thereof.

20 (b) No amount shall be certified for payment under
21 section 2 of this Act unless application shall have been sub-
22 mitted in writing, prior to the expiration of two years after
23 the date of approval of this Act, over the signature of the
24 person performing the service: *Provided,* That claims of

1 deceased persons or persons determined to be mentally
2 incompetent may be submitted by their heirs or personal
3 representatives.

4 (c) Except as otherwise provided in this section, no
5 claim submitted in accordance with the terms of this Act for
6 compensation earned between the dates specified in sub-
7 section (a) of this section shall be barred by any statute of
8 limitations.

9 SEC. 4. Any amount certified for payment under section
10 2 of this Act shall be paid without deduction for retirement
11 or withholding of any amount for taxes.

12 SEC. 5. There are hereby authorized to be appropriated
13 such sums as may be necessary for payment of amounts cer-
14 tified under this Act.

15 SEC. 6. The heads of the departments and agencies con-
16 cerned, including the Comptroller General of the United
17 States, are hereby authorized to prescribe such regulations as
18 may be necessary to carry out the purposes of this Act in
19 their respective agencies: *Provided,* That no part of the
20 amount appropriated in this Act in excess of 10 per centum
21 thereof shall be paid or delivered to or received by any agent
22 or attorney on account of services rendered in connection
23 with this claim, and the same shall be unlawful, any con-
24 tract to the contrary notwithstanding. Any person violating

1 the provisions of this Act shall be deemed guilty of a mis-
2 demeanor and upon conviction thereof shall be fined in any
3 sum not exceeding $1,000.

Passed the House of Representatives June 17, 1946.

Attest: SOUTH TRIMBLE,
Clerk.

By H. NEWLIN MEGILL.

79TH CONGRESS
2D SESSION

H. R. 6532

AN ACT

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

JUNE 18 (legislative day, MARCH 5), 1946
Read twice and referred to the Committee on Claims
JUNE 21 (legislative day, MARCH 5), 1946
The Committee on Claims discharged, and referred to the Committee on Expenditures in the Executive Departments

Culy 2

Calendar No. 1675

79TH CONGRESS, 2d Session | SENATE | REPORT No. 1645

PROVIDING A METHOD OF PAYMENT IN CERTAIN GOVERNMENT ESTABLISHMENTS OF OVERTIME, LEAVE, AND HOLIDAY COMPENSATION ON THE BASIS OF NIGHT RATES PURSUANT TO CERTAIN DECISIONS OF THE COMPTROLLER GENERAL

JULY 2, 1946.—Ordered to be printed

Mr. GREEN, from the Committee on Expenditures in the Executive Departments, submitted the following

REPORT

[To accompany H. R. 6532]

The Committee on Expenditures in the Executive Departments, to whom was referred the bill (H. R. 6532) to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

This bill is based on a recommendation of the Comptroller General in his report of May 22, 1946, to the Congress. The Comptroller General's letter to the President pro tempore of the Senate is appended hereto. The legislation is temporary in character, designed to meet an emergency situation involving a limited class of payments and will not affect future situations.

The claims involved have arisen mainly in the War, Navy, and Treasury Departments, the Panama Canal, and the Government Printing Office. The Comptroller General has held that under section 23 of the act of March 28, 1934, applying to wage board employees, the overtime rate of time and one-half for work in excess of 40 hours per week must be based upon the rate received during the regular 40-hour tour of duty including any night differential paid for such regular tour of duty. In other words, if the employee's regular rate is a day rate, overtime is payable at time and one-half of that rate but, if the regular rate is a higher night rate, that rate is the starting point in applying the 50-percent increase for overtime. The practice in the Government has not been uniform in this respect and it is anticipated that a million claims will be made for the difference between overtime, leave, and holiday pay on the basis of night rates and on the basis of day rates.

This bill will provide an expeditious method of making payments due under the Comptroller General's decisions, for the years 1934 to 1945. The committee is advised that current payments are being made administratively by the agencies concerned.

This legislation will make it possible for disbursing officers for the various agencies to pay these claims which under present law must be settled and adjusted in the General Accounting Office. Because the claims comprise a special class as to which all the issues of law have already been decided, the Comptroller General does not consider that the legislation would adversely affect the general jurisdiction of the General Accounting Office over claims. There now remains nothing but a search of the records and a computation of the amounts due, which will necessarily be done by the administrative agencies and can be used as a basis for administrative payment just as readily as for settlement by the General Accounting Office.

Representatives of the Comptroller General informed the committee that enactment of the bill would almost entirely eliminate the estimated cost of $4,000,000 to the General Accounting Office for settlement of these claims and would result in more speedy payment of the amounts due. It is believed that the slight additional cost which would be incurred by the administrative offices in making payment of the amounts found due would be offset by the savings resulting from the provisions of sections 4 and 5, making it unnecessary to determine and process retirement deductions and withholding taxes and avoiding the necessity of determining the particular appropriations to which the payments otherwise would be chargeable. Such provisions seem highly desirable in view of the fact that the claims involve appropriations for several fiscal years and are estimated to average only $20 apiece in amount. It is emphasized that the authorization for a single appropriation will not result in payment of any claims which would not otherwise be payable under some other appropriation or appropriations.

The committee recommends adoption of the provision suggested by the Comptroller General with respect to attorneys' fees.

SECTION 23 OF THE ACT OF MARCH 28, 1934 (48 STAT. 522)

SEC. 23. The weekly compensation, minus any general percentage reduction which may be prescribed by Act of Congress, for the several trades and occupations, which is set by wage boards or other wage-fixing authorities, shall be reestablished and maintained at rates not lower than necessary to restore the full weekly earnings of such employees in accordance with the full-time weekly earnings under the respective wage schedules in effect on June 1, 1932: *Provided*, That the regular hours of labor shall not be more than forty per week; and all overtime shall be compensated for at the rate of not less than time and one-half.

GENERAL ACCOUNTING OFFICE,
Washington 25, May 22, 1946.

The honorable the PRESIDENT PRO TEMPORE OF THE SENATE.

MY DEAR MR. PRESIDENT: There is transmitted herewith a draft of a bill to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates, pursuant to certain decisions of the Comptroller General, and for other purposes.

The purpose of the proposed bill is to permit disbursing officers in the various departments to make payment directly to certain employees and former employees

of the United States for the difference between amounts heretofore received by such employees for overtime, leave, and holiday compensation, computed at day rates, and overtime, leave, and holiday compensation, computed at night rates.

The claims referred to in the proposed bill involve certain employees and former employees in the several trades and occupations whose compensation is fixed by wage boards or other wage-fixing authorities and who receive a differential, or extra compensation, for work performed at night or on shifts requiring night duty. Under section 23 of the act of March 28, 1934 (48 Stat. 522), such employees are entitled to a minimum of time and one-half for all work in excess of 40 hours per week. The first of these claims arose in the case of an employee of the Government Printing Office who requested that he be paid overtime rates on his compensation, including the night differential, for periods during which he was employed on a night shift. In my decision of June 17, 1944 (B–41933, 23 Comp. Gen. 962), it was held that the employee was entitled to overtime compensation based upon the rate received (including the night differential) during his regular tour of duty. This conclusion, although clearly required by the act of March 28, 1934, supra, was contrary to the prior practice in the Government Printing Office and gave rise to numerous claims by other employees and former employees of that Office whose overtime compensation theretofore had been computed on the basis of day rates, even though they had received a night differential for work performed on their regular tour of duty.

Subsequently, it developed that other departments and agencies of the Government had been following the same practice as the Government Printing Office and in later decisions it was held that the rule stated in the case of the Government Printing Office was applicable also to the War Department (24 Comp. Gen. 39), the Navy Department (24 Comp. Gen. 155), the Treasury Department (Bureau of Engraving and Printing and Bureau of the Mint) (24 Comp. Gen. 189), and The Panama Canal (24 Comp. Gen. 550). As a corollary to the decision regarding overtime compensation, it was held that compensation for leave for persons entitled to a night differential on a regular tour of duty should also be computed on the basis of inclusion of the night differential (24 Comp. Gen. 39, 44), and the same rule applies to compensation for holidays. Payments of overtime, leave, and holiday compensation now are being made by the agencies concerned upon the basis of the rules stated in the cited decisions, but it is estimated that there are approximately a million and a half employees and former employees who are eligible to receive additional compensation on the basis of those decisions and that approximately a million of the eligibles actually will file claims therefor.

The decision of June 17, 1944, cited above, was an original construction of the act of March 28, 1934, and was effective on and after the date of that statute and affected all individual accounts not previously adjusted on the basis of the rule stated therein. In the great majority of cases the claims involved are chargeable to appropriations which are no longer available for use by disbursing officers. The cost of settlement of these claims in the General Accounting Office, in addition to the cost which will be incurred in the administrative offices in the examination of such claims, will be approximately $4,000,000. The proposed bill would permit direct payments by disbursing officers and this would eliminate this additional cost. In view of the fact that the average amount allowable under these claims is estimated to be $20, section 2 of the proposed bill would permit the departments and agencies concerned to certify to the proper disbursing officers the amount found due each claimant and would provide that payments made pursuant to such certifications should be final and conclusive.

Section 3 of the proposed bill would limit payments thereunder to claims based on compensation earned between March 28, 1934, and the date of approval of the proposed legislation. However, said section would remove the bar of the 10-year statute of limitations upon claims cognizable by the General Accounting Office (act of October 9, 1940, 54 Stat. 1061), thus permitting payment of amounts due in connection with compensation earned since March 28, 1934, even though earned prior to the 10-year period preceding the filing of claim. Under the 1940 statute, payments on these claims are limited to compensation earned during the 10-year period immediately preceding the filing of claim. Since the failure to file claim resulted from a practice followed by the agencies concerned rather than from any lack of diligence on the part of the employees or former employees, it is considered equitable to provide for payment of the claims for the entire period, starting with March 28, 1934, during which such personnel were receiving a night differential for work performed during their regular tour of duty.

In view of the small amount involved in most of the claims referred to, section 4 of the proposed bill would provide that amounts certified for payment under the bill should be paid without retirement deductions and without withholding of any

amount for taxes. It is believed that the amount of retirement deductions would be so small and that the amount of taxes withheld would be so negligible in any one case that the time and expense required to determine and process these items would not be justified.

Section 5 of the proposed bill would authorize the appropriation of such sums as might be necessary for payment of amounts certified to be due thereunder. In most instances, determination of amounts chargeable to each of several appropriations would be involved in the payment of a particular claim and it is believed that the establishment of a single appropriation to cover the payment of all such claims would result in a considerable saving of administrative expenses and in the more expeditious handling of the payments.

By far the greater amount of the work required in the settlement of the claims in question will be entailed in the administrative examination of the records in order to determine the amount due each employee. The slight additional cost which would be incurred by the administrative offices in actually making payment of the amounts found due would be more than offset by the savings which would result from the provisions of sections 4 and 5 of the proposed bill making it unnecessary to determine and process retirement deductions and withholding taxes, and removing the necessity for determining the particular appropriations to which the payments otherwise would be chargeable.

The matter has been discussed informally with representatives of the Bureau of the Budget, who have expressed approval of the purposes of the proposed bill. The matter has been discussed informally, also, with representatives of the administrative agencies which are principally concerned, namely, the War Department, the Navy Department, and the Government Printing Office. Representatives of the War Department and the Government Printing Office have approved the proposed bill. Representatives of the Navy Department have expressed sympathy with the purpose of the bill and have indicated that the Navy Department will offer no objection thereto, provided an opportunity is afforded the Navy Department to submit for consideration information with respect to additional personnel and funds which the Department estimates will be required to permit it to conduct the necessary administrative examination of the claims in order that its disbursing officers may make prompt payment thereon if the proposed bill should be enacted.

It is desired to emphasize that the items referred to would be handled under normal administrative procedures, with payments being made by disbursing officers on current pay rolls, except for the fact that such items are chargeable to lapsed appropriations. Consequently, the proposed bill would not, in my opinion, establish a precedent which would jeopardize the safeguards now established by law requiring the settlement of claims in the General Accounting Office. It will be noted that the proposed bill would require that claims for amounts due persons who are deceased or determined to be mentally incompetent be settled in the General Accounting Office, in order that the interest of the Government may be fully protected in connection with payments to heirs or personal representatives of such persons.

In view of the fact that the proposed bill reasonably may be expected to result in an over-all saving to the Government of at least $4,000,000, and since it would materially expedite the settlement of claims for amounts which are justly due these employees and former employees, it is most earnestly recommended that the proposed bill be given favorable consideration.

A duplicate of this recommendation is being transmitted to the Speaker of the House of Representatives.

Respectfully,

LINDSAY C. WARREN,
Comptroller General of the United States.

A BILL To provide a method for payment in certain Government establishments of overtime, leave, and holiday wages on the basis of night rates pursuant to certain decisionsof the Comptroller General, and for other purposes]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all claims by employees or former employees of the United States for overtime, leave, and holiday compensation based upon the difference between amounts heretofore received by such employees for overtime, leave, and holiday compensation computed at day rates and such compensation computed at night rates pursuant to decisions of the Comptroller General of the United States (23 Comp. Gen. 962; 24 Comp. Gen. 39, 155, 189, 550, 867), shall be paid by the appropriate disbursing officers for the department or agency

under which such compensation was earned: *Provided*, That claims for amounts due deceased persons or persons determined to be mentally incompetent shall be settled in the General Accounting Office.

SEC. 2. The heads of the departments and agencies concerned, or such subordinates as they may designate, are hereby authorized and directed to certify to the proper disbursing officer or to the General Accounting Office, as may be appropriate, the amount found to be due under any claim authorized to be paid by section 1 of this Act. Payments made pursuant to certifications hereby authorized shall, in the absence of fraud, be final and conclusive.

SEC. 3. (a) No amount shall be certified for payment under section 2 of this Act on account of any compensation earned prior to March 28, 1934, and this Act shall not apply with respect to any claim for compensation earned subsequent to the date of approval thereof.

(b) No amount shall be certified for payment under section 2 of this Act unless application shall have been submitted in writing, prior to the expiration of two years after the date of approval of this Act, over the signature of the person performing the service: *Provided*, That claims of deceased persons or persons determined to be mentally incompetent may be submitted by their heirs or personal representatives.

(c) Except as otherwise provided in this section, no claim submitted in accordance with the terms of this Act for compensation earned between the dates specified in subsection (a) of this section shall be barred by any statute of limitations.

SEC. 4. Any amount certified for payment under section 2 of this Act shall be paid without deduction for retirement or withholding of any amount for taxes.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary for payment of amounts certified under this Act.

SEC. 6. The heads of the departments and agencies concerned, including the Comptroller General of the United States, are hereby authorized to prescribe such regulations as may be necessary to carry out the purposes of this Act in their respective agencies.

SEC. 7. No part of any monies appropriated for payment of amounts certified under this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with claims so appropriated for and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

O

Calendar No. 1675

79TH CONGRESS
2D SESSION

H. R. 6532

[Report No. 1645]

IN THE SENATE OF THE UNITED STATES

JUNE 18 (legislative day, MARCH 5), 1946

Read twice and referred to the Committee on Claims

JUNE 21 (legislative day, MARCH 5), 1946

The Committee on Claims discharged, and referred to the Committee on Expenditures in the Executive Departments

JULY 2, 1946

Reported by Mr. GREEN, with amendments

[Omit the part struck through and insert the part printed in italic]

AN ACT

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all claims by employees or former employees of the United States for overtime, leave, and holiday compensation based upon the difference between amounts heretofore received by such employees for overtime, leave, and holiday compensation computed at day rates and such compensation computed at night rates pursuant to decisions of the Comp-

1 troller General of the United States (23 Comp. Gen. 962;
2 24 Comp. Gen. 39, 155, 189, 550, 867), shall be paid by
3 the appropriate disbursing officers for the department or
4 agency under which such compensation was earned: *Pro-*
5 *vided,* That claims for amounts due deceased persons or
6 persons determined to be mentally incompetent shall be
7 settled in the General Accounting Office.

8 SEC. 2. The heads of the departments and agencies
9 concerned, or such subordinates as they may designate, are
10 hereby authorized and directed to certify to the proper dis-
11 bursing officer or to the General Accounting Office, as may
12 be appropriate, the amount found to be due under any claim
13 authorized to be paid by section 1 of this Act. Payments
14 made pursuant to certifications hereby authorized shall, in
15 the absence of fraud, be final and conclusive.

16 SEC. 3. (a) No amount shall be certified for payment
17 under section 2 of this Act on account of any compensation
18 earned prior to March 28, ~~1943~~ *1934,* and this Act shall not
19 apply with respect to any claim for compensation earned
20 subsequent to the date of approval thereof.

21 (b) No amount shall be certified for payment under
22 section 2 of this Act unless application shall have been sub-
23 mitted in writing, prior to the expiration of two years after
24 the date of approval of this Act, over the signature of the
25 person performing the service: *Provided,* That claims of

deceased persons or persons determined to be mentally incompetent may be submitted by their heirs or personal representatives.

(c) Except as otherwise provided in this section, no claim submitted in accordance with the terms of this Act for compensation earned between the dates specified in subsection (a) of this section shall be barred by any statute of limitations.

SEC. 4. Any amount certified for payment under section 2 of this Act shall be paid without deduction for retirement or withholding of any amount for taxes.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary for payment of amounts certified under this Act.

SEC. 6. The heads of the departments and agencies concerned, including the Comptroller General of the United States, are hereby authorized to prescribe such regulations as may be necessary to carry out the purposes of this Act in their respective agencies~~: *Provided,* That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a mis-~~

1 ~~demeanor and upon conviction thereof shall be fined in any~~
2 ~~sum not exceeding $1,000~~.

3 *Sec. 7. No part of any moneys appropriated for pay-*
4 *ment of amounts certified under this Act shall be paid or*
5 *delivered to or received by any agent or attorney on account*
6 *of services rendered in connection with claims so appropri-*
7 *ated for and the same shall be unlawful, any contract to*
8 *the contrary notwithstanding. Any person violating the*
9 *provisions of this Act shall be deemed guilty of a misde-*
10 *meanor and upon conviction thereof shall be fined in any*
11 *sum not exceeding $1,000.*

Passed the House of Representatives June 17, 1946.

Attest: SOUTH TRIMBLE,
Clerk.

By H. NEWLIN MEGILL.

Calendar No. 1675

79TH CONGRESS
2D SESSION

H. R. 6532

[Report No. 1645]

AN ACT

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

JUNE 18 (legislative day, MARCH 5), 1946

Read twice and referred to the Committee on Claims

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The Committee on Claims discharged, and referred to the Committee on Expenditures in the Executive Departments

JULY 2, 1946

Reported with amendments

Feeley 1'6

SEC. 3. The Secretary of the Navy is authorized to enroll in the training program—

(a) any person (1) who, on May 1, 1946, was a member of the Naval Reserve Officers' Training Corps or (2) who subsequent to such date may be admitted to such corps and who will not be more than 25 years of age on July 1 of the calendar year in which eligible for appointment to commissioned ranks pursuant to subsection 6 (a). Upon enrollment such persons shall be appointed midshipmen in the Naval Reserve.

(b) as a naval aviation officer candidate (1) any high-school graduate or person of equivalent educational level, or any person who has completed satisfactorily less than two scholastic years' work in an accredited college or university, and who will not be more than 21 years and 6 months of age on July 1 of the calendar year of his appointment as midshipman as hereinafter prescribed; each such candidate shall be enlisted as an apprentice seaman, United States Naval Reserve and shall, following enrollment, be required to attend such accredited college or university as may be authorized by the Secretary of the Navy as a regular student until he shall have satisfactorily completed not less than two scholastic years of work and in addition shall be required to participate in such military or civil aviation training activities as may be prescribed by the Secretary of the Navy; following the satisfactory completion of such scholastic work and aviation-training activities, such candidates shall be appointed midshipmen in the Navy and ordered to duty for flight training; (2) any member of the Naval Reserve Officers' Training Corps who has satisfactorily completed two scholastic years' training in such corps and any other person who shall have satisfactorily completed not less than two scholastic years' work in an accredited college or university, and any enlisted man of the Navy or Marine Corps who shall demonstrate by a test the attainment of an educational level equivalent to that of two scholastic years of work in an accredited college or university; such candidates shall be not more than 21 years and 6 months of age on July 1 of the calendar year of enrollment as an aviation officer candidate and, upon enrollment, shall be appointed midshipmen in the Navy and ordered to duty for flight training.

SEC. 4. Except as otherwise provided in this section, each midshipman appointed pursuant to part (a) of section 3, while continuing in such status, and each apprentice seaman enlisted pursuant to part (b) of section 3, until the completion of scholastic instruction, shall, except while on active duty, receive retainer pay at the rate of $600 per year and shall, in addition, be entitled to the benefits provided for him by section 10: *Provided*, That such benefits and retainer pay may be received by midshipmen appointed pursuant to part (a) of section 3 for a period not exceeding four academic years. Each midshipman and apprentice seaman enrolled pursuant to this act shall be entitled to an allowance for (a) initial travel to the college or university in which matriculated, (b) travel while under orders, and (c) travel upon discharge while in a noncommissioned status, in the manner and to the same extent provided for midshipmen at the United States Naval Academy: *Provided further*, That no allowance for travel upon discharge shall be paid if the dischargee continues his scholastic instruction at other than Government expense in the same college or university in which matriculated. While in flight training or on other flight duty midshipmen appointed under part (b) of section 3 shall be entitled to the pay and allowances now or hereafter provided by law for midshipmen under instruction at the United States Naval Academy and to the same percentage increases of their pay as are now or hereafter provided by law for officers of the Navy assigned to duty involving flying, and shall be issued at Government expense necessary uniforms and equipment as directed by the Secretary of the Navy.

SEC. 5. All midshipmen appointed under part (b) of section 3 may, upon satisfactory completion of flight training, be designated naval aviators and assigned to duty involving flying.

SEC. 6. (a) Midshipmen appointed pursuant to section 3 (a) may be commissioned as ensigns in the line of the Navy, second lieutenants in the Marine Corps, or with the rank of ensign in the appropriate commissioned grade in such staff corps of the Navy in which the rank of ensign is now or may hereafter be authorized, following the satisfactory completion of all the academic and naval science requirements of the established 4-year Naval Reserve Officers' Training Corps course.

2. Midshipmen appointed pursuant to section 3 (b) may be commissioned as ensigns in the line of the Navy or second lieutenants in the Marine Corps following the satisfactory completion of 2 years' flight training and flight duty as midshipmen as prescribed in part (b) of section 3 and in section 5.

(b) There may also be commissioned as ensign in the line of the Navy or second lieutenant in the Marine Corps, or with the rank of ensign in the appropriate commissioned grade in such staff corps of the Navy in which the rank of ensign is now or may hereafter be authorized, any male citizen of the United States who is not more than 25 years of age on July 1 of the calendar year in which appointed: (1) Who shall have satisfactorily completed a 4-year course at an accredited college or university, or (2) who is an enlisted man of the Navy or Marine Corps who shall demonstrate by a test the attainment of an educational level equivalent to that of an individual who has satisfactorily completed a 4-year course at an accredited college or university.

(c) Officers commissioned pursuant to this act in the rank of ensign in a staff corps shall be selected for appointment by a board of commissioned officers of the staff corps concerned.

(d) The date of rank stated in the commissions of officers commissioned in any year pursuant to the foregoing subsections of this section shall be the date of graduation of midshipmen from the Naval Academy in that year and all ensigns of the line of the Navy and second lieutenants of the Marine Corps of the same date of rank, upon being commissioned, shall have precedence among themselves in such order as may be determined by the Secretary of the Navy to insure that the precedence of the officers shall be in accord with their demonstrated performance regardless of the source from which prescribed, and giving due consideration to whatever differences may exist in the methods of assigning grades between the various education institutions at which the officers have been educated. Each officer commissioned in a staff corps of the Navy pursuant to the foregoing subsections of this section shall, upon being commissioned, have assigned as his running mate such line officer of the same rank and same date of rank as the Secretary of the Navy may determine.

SEC. 7. Any officer commissioned under subsection 1 of subsection 6 (a) or under subsection 6 (b) may, upon his own application, after not less than 15 months or 2 years, respectively, of satisfactory service as a commissioned officer, have his commission in the regular service terminated and be commissioned in the Naval Reserve or the Marine Corps Reserve and in the discretion of the Secretary of the Navy, be released from active duty. The date of rank in such commission in a reserve component shall be the same as that of the commission previously held in the regular service.

SEC. 8. The Secretary of the Navy shall in each calendar year cause to be examined (a) the records of all ensigns of the line of the Navy and second lieutenants of the Marine Corps commissioned pursuant to subsection 2 of section 6 (a) who apply for retention in the regular service as permanent officers and who in the then current calendar year will reach the first anniversary of the date of rank stated in their respective commissions, selecting from among such officers the number that he may determine necessary for retention, and (b) the records of all other officers appointed pursuant to this act who apply for retention in the regular service as permanent officers and who in the then current calendar year will reach the third anniversary of the date of rank stated in their respective commissions, selecting from among such officers the number that he may determine necessary for retention.

SEC. 9. (a) The commission of each officer commissioned pursuant to subsection 2 of section 6 (a) who, prior to June 1 of the calendar year following that in which commissioned, shall not have applied for retention in the regular service and of each officer not selected for retention under clause (a) of section 8 shall be terminated on June 30 of the appropriate calendar year. Upon termination of commission, each such officer who thereupon accepts appointment to commissioned rank in the Naval or Marine Corps Reserve may apply for and receive retainer pay at the rate of $100 for each calendar month or part thereof during which, while an officer of the Naval or Marine Corps Reserve, he pursues full-time instruction in an accredited college or university but not to exceed a total of $2,000, such instruction to commence not later than a date to be determined by the Secretary of the Navy; in addition, each such officer shall be entitled to the benefits provided for him by section 10 of this act.

(b) The commission of each officer commissioned pursuant to subsection 1 of section 6 (a) and pursuant to section 6 (b) who, prior to June 1 of the third calendar year following that in which commissioned, shall not have applied for retention in the regular service and of each officer not selected for retention under clause (b) of section 8 shall be terminated on June 30 of the appropriate calendar year. Upon termination of commission, each such officer may be commissioned in the Naval or Marine Corps Reserve in the grade of lieutenant (junior grade) or first lieutenant, as the case may be (if in a staff corps, with the rank of lieutenant (junior grade) in the grade appropriate to that rank), and to rank from a date 3 years after the date of rank stated in his original commission in the Regular Navy or Regular Marine Corps.

SEC. 10. The Secretary of the Navy may provide, by contract or otherwise, for payment of all expenses incident to the administration of this act, including but not limited to, payment for tuition, fees, books, and laboratory expenses of midshipmen in the Naval Reserve Officers' Training Corps, naval aviation officer candidates, and of officers released under subsection 9 (a) of this act.

SEC. 11. The Secretary of the Navy may, in his discretion, give to any enlisted man in the naval service or any male citizen who has had active military or naval service such advance standing in any program provided by this act as the previous education and training of such person justifies.

SEC. 12. The Secretary of the Navy, under such regulations as he may prescribe, may revoke the commission of any officer of the Regular Navy or the Regular Marine Corps who at the date of revocation has had less than 6 years of continuous service as a commissioned officer, and each officer whose commission is so revoked shall be discharged from the service without advance pay or allowances.

SEC. 13. National service life insurance in the amount of $10,000, the premiums for which shall be paid at Government expense, shall be issued to the following persons: (a) Apprentice seamen, United States Naval Reserve, enrolled as aviation officer candidates, at the commencement of flight-training activities and until the termination of their status as aviation officer candidates; (b) midshipmen, United States Navy, upon enrollment as aviation officer candidates and until the termination of that status; (c) midshipmen at the United States Naval Academy, at the commencement of flight-training activities and until the termination of their status as midshipmen. Upon being commissioned in the Regular Navy or Marine Corps such persons shall have the option of continuing such insurance at their own expenses.

SEC. 14. In the event that the quota of midshipmen authorized by law to be appointed annually to the Naval Academy from (1) enlisted men of the United States Navy and Marine Corps, (2) enlisted men of the Naval Reserve or Marine Corps Reserve, or (3) by the President at large, is not filled, the Secretary of the Navy may fill the vacancies in such quota by appointing other candidates from any other of such sources who were found best qualified on examination for admission into the Academy and not otherwise appointed.

SEC. 15. Each midshipman hereafter appointed to the Naval Academy shall be required to sign an agreement that, in the event of the acceptance of his resignation from a commissioned status in the Regular Navy or Marine Corps prior to the sixth anniversary of his graduation from the Naval Academy, he will accept such commission in the Organized Naval or Marine Corps Reserve to which he may be appointed and will not resign from the Reserve prior to such sixth anniversary.

SEC. 16. (a) The act of December 20, 1917 (40 Stat. 430), as amended, is hereby further amended to read as follows: "There shall be allowed at the United States Naval Academy eight midshipmen for each Senato, Representative, Delegate in Congress, and Resident Commissioner from Puerto Rico, and from the District of Columbia, 160 appointed annually from enlisted men of the Navy and Marine Corps, and 160 appointed annually from enlisted men of the Naval Reserve and Marine Corps Reserve by the Secretary of the Navy under similar conditions so far as applicable as prescribed by law for appointments from enlisted men of the Navy."

(b) Until the necessary additional physical facilities and teaching personnel at the Naval Academy are available in the opinion of the President, the latter may, in each year, specify the number and sources of additional appointments as midshipmen herein authorized which may be made for the ensuing academic year.

SEC. 17. The President may appoint annually 75 midshipmen to the United States Naval Academy from among the sons of Army, Navy, and Marine Corps personnel.

SEC. 18. There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this act.

SEC. 19. (a) Subsection (a) of section 22 of the act of March 4, 1925 (43 Stat. 1276), as amended by the act of February 13, 1945 (Public Law No. 1, 79th Cong.), is hereby further amended by substituting for the words "fourteen thousand" in the last proviso thereof the words "fifteen thousand four hundred."

(b) Of the number of Naval Reserve Officers' Training Corps members authorized by subsection (a) of this section, not more than fourteen thousand shall at any one time be enrolled in the training program established by this act.

SEC. 20. No person shall be appointed assistant paymaster in the Navy who on July 1 of the calendar year in which appointed will not be less than 21 or more than 25 years of age, nor until his physical, mental, and moral qualifications have been established to the satisfaction of the Secretary of the Navy.

SEC. 21. The following acts and parts of acts are hereby repealed:

(a) Section 2 of the act of May 6, 1932 (47 Stat. 149).

(b) Subsection (a) of section 14 of the act of June 23, 1938 (52 Stat. 951).

(c) Section 307 of the act of June 25, 1938 (52 Stat. 1182).

(d) Sections 2 and 3 of the act of January 30, 1941 (55 Stat. 4).

(e) Section 8 of the act of February 28, 1925 (43 Stat. 1082).

(f) Section 1379 of the Revised Statutes.

METHOD OF PAYMENT OF OVERTIME, LEAVE, AND HOLIDAY COMPENSATION

The Senate proceeded to consider the bill (H. R. 6532) to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes, which had been reported from the Committee on Expenditures in the Executive Departments with amendments.

The first amendment was, in section 3, on page 2, line 18, after "March 28", to strike out "1943" and insert "1934."

The amendment was agreed to.

The next amendment was, in section 6 on page 3, line 19, after the word "agencies", to strike out the colon and the following: *"Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000" and to insert:

SEC. 7. No part of any moneys appropriated for payment of amounts certified under this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with claims so appropriated for and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

The amendment was agreed to.

Mr. CORDON. Mr. President, I should like to have this measure explained.

Mr. GREEN. This bill comes from the other House. It is very extraordinary in the respect that it propose to save the Government of the United States about $4,000,000, estimated, more or less, because of improvements in the method of calculating the claims which it covers. It seems that for some 10 years there were differences of opinion among the various agencies as to how overtime should be calculated on the daytime basis and nighttime basis and different differentials, and mistakes were made, according to the Comptroller General, who finally was called upon to make a decision. Under that decision there are some 1,000,000 to 2,000,000 claims which ought to be settled. If the claims go through the usual course, through the Comptroller General's office, a great deal of time and a great deal of unnecessary work will be required, whereas if they are left to be adjusted by the respective agencies a great deal of red tape will be cut out. It is plain that it will save the Government, as I have said, some $4,000,000, probably.

Mr. CORDON. I thank the Senator for the explanation. I have no objection.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed for a third reading, and the bill to be read a third time.

The bill (H. R. 6532) was read the third time and passed.

RESTORATION OF CERTAIN CURRENCY DESTROYED IN THE PHILIPPINE ISLANDS

The joint resolution (H. J. Res. 321) to authorize the making of settlement on account of certain currency destroyed at Fort Mills, Philippine Islands, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

BILL PASSED OVER

The bill (S. 2070) to authorize the Federal Security Administration to assist the States in the development of community recreation programs for the people of the United States, and for other purposes, was announced as next in order.

Mr. CORDON. Over.

The PRESIDING OFFICER. The bill will be passed over.

AMENDMENT OF THE FEDERAL CREDIT UNION ACT

The Senate proceeded to consider the bill (H. R. 6372) to amend the Federal Credit Union Act, which had been reported from the Committee on Banking and Currency with an amendment, on page 3, after line 20, to insert a new section 8, as follows:

SEC. 8. Subsection (b) of section 16 of such act is amended to read as follows:

"(b) (1) The Governor may suspend or revoke the charter of any Federal credit union, or place the same in involuntary liquidation and appoint a liquidating agent therefor, upon his finding that the organization is bankrupt or insolvent or has violated any provisions of its charter, its bylaws, or of this chapter, or of any regulations issued thereunder.

"(2) The Governor, through such persons as he shall designate, may examine any Federal credit union in voluntary liquidation and, upon his finding that such voluntary liquidation is not being conducted in an orderly or efficient manner or in the best interests of its members, may terminate such voluntary liquidation and place such organization in involuntary liquidation and appoint a liquidating agent therefor.

"(3) Such liquidating agent shall have power and authority, subject to the control and supervision of the Governor and under such rules and regulations as the Governor may prescribe, (i) to receive and take possession of the books, records, assets, and property of every description of the Federal credit union in liquidation, to sell, enforce collection of, and liquidate all such assets and property, to compound all bad or doubtful debts, and to sue in his own name or in the name of the Federal credit union in liquida-

July 19

House of Representatives

FRIDAY, JULY 19, 1946

The House met at 10 o'clock a. m.

Rev. Bernard Braskamp, D. D., pastor of the Gunton-Temple Memorial Presbyterian Church, Washington, D. C., offered the following prayer:

O Thou God of all grace, who alone canst supply our temporal needs and satisfy our eternal longings, Thou art again drawing us to Thyself in prayer for Thou knowest how feeble and faltering we are and how fickle and fitful in faith and in fortitude.

Grant that we may now unburden ourselves to Thy listening ear and understanding heart. We humbly confess that again and again we are haunted by a sense of misgiving, and we enter upon a new day hesitatingly and wistfully. When we are beset by perils, and life, with its difficult problems, presses hard upon us, we fear that they may overwhelm us. When trials and tribulations come, we are tempted to feel that we are the victims of a conspiracy of wicked circumstances. Our vision is often so dim and blurred and distorted and we know that we must see life in truer perspective and proportion.

God forgive us and forbid that any dark and despairing tempers of mind should assail and enslave us, for Thou hast created us not for failure and defeat but for victory and freedom, and in Thee we may find rest, release, and renewal. Help us to mobilize the great moral and spiritual resources, and with faith and valor may we forever banish the tragedies and tyrannies of war which have broken the heart of humanity and blasphemed the holy name of the Lord our God.

Hear us for the sake of the Prince of Peace. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2125. An act to amend the act entitled "An act to establish a Code of Law for the District of Columbia," approved March 3, 1901, and the acts amendatory thereof and supplementary thereto;

S. 2326. An act to incorporate the Amvets, American Veterans of World War II; and

S. 2405. An act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes.

The message also announced that the President pro tempore has appointed Mr. BARKLEY and Mr. BREWSTER members of the joint select committee on the part of the Senate, as provided for in the act of August 5, 1939, entitled "An act to provide for the disposition of certain records of the United States Government," for the disposition of executive papers in the following departments and agencies:

1. Department of Commerce.
2. Department of the Interior.
3. Department of Justice.
4. Department of War.
5. Post Office Department.
6. Alien Property Custodian.
7. Federal Communications Commission.
8. Federal Security Agency.
9. National Archives.
10. National Housing Agency.
11. Office of Scientific Research and Development.
12. United States District Court for the Northern District of Illinois.
13. United States Maritime Commission.

EDWIN DOYLE PARRISH

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1754) for the relief of Edwin Doyle Parrish, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$3,500" and insert "$5,000."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. MARTIN of Massachusetts. Mr. Speaker, reserving the right to object, this is a substantial increase. Will the gentleman explain the reason for increasing the amount?

Mr. COMBS. This claim is on behalf of a civilian who was injured at Lake Charles, La., during the rioting of some Army personnel. It later developed, after the bill had gone over to the Senate, upon further examination of the man's condition, it was found that his injuries were worse than had been anticipated. So the Senate increased the amount somewhat, as indicated in the bill.

Mr. MARTIN of Massachusetts. The reason I asked the question is that the Senate usually drastically reduces House bills, and I wondered what was the reason for this increase.

Mr. COMBS. That is the reason.

Mr. RICH. I fail to see where the Senate ever cut any House appropriation bill.

Mr. MARTIN of Massachusetts. I am not talking about appropriation bills.

Mr. RICH. This is something new, and it would be something new if they did it.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

MRS. OPAL RILEY

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5025) for the relief of Mrs. Opal Riley and Robert R. Riley, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "$5,578.24" and insert "$5,813.27."

Page 1, line 8, strike out "$5,578.24" and insert "$5,813.27."

Page 1, line 10, after "injuries", insert ", hospital, medical, and other expenses."

Page 1, line 10, after "her", insert "as the result of an accident."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

MARYLAND SANITARY MANUFACTURING CORP.

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 4616) for the relief of the Maryland Sanitary Manufacturing Corp., of Baltimore, Md., with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 7, strike out "$524,755" and insert "$374,755."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

JASPER A. MEALER

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5053) for the relief of the estate of Jasper A. Mealer, with a Senate amendment theerto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "$5,000" and insert "$7,500."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PAYMENT OF OVERTIME, LEAVE, AND HOLIDAY COMPENSATION

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6532) to provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 18, strike out all after "agencies" over to and including "$1,000" in line 2, page 4.

Page 4, after line 2, insert:

"SEC. 7. No part of any moneys appropriated for payments of amounts certified under this act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with claims so appropriated for and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

WILLIAM EDWARD OATES

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 78) for the relief of the estate of William Edward Oates, with a House amendment thereto, insist on the amendment of the House, and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. COMBS, HEDRICK, and PITTENGER.

JAMES LEMUEL MUZZALL AND JAMES M. MUZZALL

Mr. COMBS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 1151) entitled "An act for the relief of James Lemuel Muzzall and James M. Muzzall," with a Senate amendment, and agree to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Amend the title so as to read: "An act for the relief of the legal guardian of James Lemuel Muzzall, a minor."

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. COFFEE (at the request of Mr. SAVAGE) was granted permission to extend his remarks in the RECORD and include a newspaper article.

Mr. GRANAHAN asked and was given permission to extend his remarks in the RECORD and include a statement on the loan to Great Britain.

Mr. LANE asked and was given permission to extend his remarks in the RECORD and include an editorial which appeared in last night's Evening Star on cars for amputees.

Mr. FLOOD asked and was given permission to extend his remarks in the RECORD and include a letter from President Charles Rozmarok of the Polish-American Congress.

Mr. JARMAN asked and was given permission to extend his own remarks in the RECORD.

Mr. KUNKEL asked and was given permission to extend the remarks he made in Committee of the Whole on July 12 relative to the British loan, and include certain extracts from the hearings on that bill.

Mr. RICH asked and was given permission to extend his remarks in the RECORD and include a poem by Horace C. Carlisle, Where Are You Going to Get the Money?

Mr. PITTENGER asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mrs. ROGERS of Massachusetts asked and was given permission to extend her remarks in the RECORD and include an article by a war amputee of World War I, two editorials and an article in the New York Times.

Mr. PATMAN asked and was given permission to extend his remarks in the RECORD in two instances and to include certain statements and excerpts.

PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE DEMOCRATIC PARTY AND THE CIO

Mr. RICH. I notice in the newspapers that the Democratic candidates in Pennsylvania have filed authorizations to the CIO for their election expenditures. In other words, it seems to me that Mr. Guffey, Mr. Rice, Mr. Dent, and Mr. Schmidt are going to be candidates on the Democratic ticket and they authorized the CIO to run their campaign and figure out where they are going to get the money in order to conduct the campaign. As you know, the CIO has made repeated statements that they expect to raise a dollar from every one of their employees who is affiliated with the CIO and in that way collect a large campaign fund for the Democratic candidates in Pennsylvania. It does not look to me very good for the Democrats to turn over to the CIO the financing of their political campaign. A tie-up in Pennsylvania of the Democratic Party in partnership with CIO-PAC. Where is the Democratic Party going? Who knows? Why? Is it a sell-out? The authorization of the candidates reads as follows:

This is yours to receive and disburse money and incur liability to election expenses within the limits of the Pennsylvania election code in the furtherance of my candidacy.

The SPEAKER. The time of the gentleman from Pennsylvania has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. PITTENGER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

STREAM-POLLUTION LEGISLATION SHOULD BE ACTED ON BEFORE CONGRESS ADJOURNS

Mr. PITTENGER. Mr. Speaker, I notice an item in this morning's paper that there were 89 cases of infantile paralysis at Minneapolis, Minn. That is not very good publicity and I do not intend to give anybody any bad publicity, but I say that because it forcefully calls to mind one piece of legislation that should be passed by this body before it adjourns and that is the stream-pollution bill. There is a great deal of talk about adjournment. There is a great deal of work that should be done and a great many bills that should be considered before the Congress adjourns. None of them is more important than the stream-pollution bill which has been reported out of the Rivers and Harbors Committee and is pending on this calendar.

I do not undertake to say, Mr. Speaker, the cause of infantile paralysis at Minneapolis is found in the drinking water that they get out of the Mississippi River. I do know that at one time the drinking water, not only in that city but in other cities, was unfit because of sewage being dumped into the stream. Then the city of Minneapolis built a sewage-disposal plant so that they could treat the sewage.

In the city of Duluth, Minn., where I reside, there was a history of pollution of the waters of Lake Superior. The sewage was dumped into the lake by the city sewers, and then 3 or 4 miles away was the intake pipe for the drinking water of the city. A typhoid-fever epidemic cost numerous lives. The history of the progress made at Duluth, Minn., in taking care of its sewage there and in furnishing the people in the city with the finest drinking water in the world, out of Lake Superior, is very interesting. It is sufficient to say that a few years ago a sewage-disposal plant was built and a long step forward has been made to correct the evil of stream and lake pollution so far as it relates to the city of Duluth. The story, however, in connection with this problem in other localities is not a happy one. I recall a very prosperous city on the Ohio River having been mentioned some 4 or 5 years ago when the Committee on Rivers and Harbors of the House of Representatives

July 31

[PUBLIC LAW 575—79TH CONGRESS]

[CHAPTER 712—2D SESSION]

[H. R. 6532]

AN ACT

To provide a method for payment in certain Government establishments of overtime, leave, and holiday compensation on the basis of night rates pursuant to certain decisions of the Comptroller General, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all claims by employees or former employees of the United States for overtime, leave, and holiday compensation based upon the difference between amounts heretofore received by such employees for overtime, leave, and holiday compensation computed at day rates and such compensation computed at night rates pursuant to decisions of the Comptroller General of the United States (23 Comp. Gen. 962; 24 Comp. Gen. 39, 155, 189, 550, 867), shall be paid by the appropriate disbursing officers for the department or agency under which such compensation was earned: *Provided*, That claims for amounts due deceased persons or persons determined to be mentally incompetent shall be settled in the General Accounting Office.

SEC. 2. The heads of the departments and agencies concerned, or such subordinates as they may designate, are hereby authorized and directed to certify to the proper disbursing officer or to the General Accounting Office, as may be appropriate, the amount found to be due under any claim authorized to be paid by section 1 of this Act. Payments made pursuant to certifications hereby authorized shall, in the absence of fraud, be final and conclusive.

SEC. 3. (a) No amount shall be certified for payment under section 2 of this Act on account of any compensation earned prior to March 28, 1934, and this Act shall not apply with respect to any claim for compensation earned subsequent to the date of approval thereof.

(b) No amount shall be certified for payment under section 2 of this Act unless application shall have been submitted in writing, prior to the expiration of two years after the date of approval of this Act, over the signature of the person performing the service: *Provided*, That claims of deceased persons or persons determined to be mentally incompetent may be submitted by their heirs or personal representatives.

(c) Except as otherwise provided in this section, no claim submitted in accordance with the terms of this Act for compensation earned between the dates specified in subsection (a) of this section shall be barred by any statute of limitations.

SEC. 4. Any amount certified for payment under section 2 of this Act shall be paid without deduction for retirement or withholding of any amount for taxes.

SEC. 5. There are hereby authorized to be appropriated such sums as may be necessary for payment of amounts certified under this Act.

SEC. 6. The heads of the departments and agencies concerned, including the Comptroller General of the United States, are hereby authorized to prescribe such regulations as may be necessary to carry out the purposes of this Act in their respective agencies.

SEC. 7. No part of any moneys appropriated for payment of amounts certified under this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with claims so appropriated for and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Approved July 31, 1946.